

## REMARKS

Claims 1 - 3 are pending.

### Claim Rejection Under 35 U.S.C §101 and Claim Rejections Under 35 U.S.C §112, First and Second Paragraphs

Claims 1 and 2 have been amended to overcome these rejections. Consequently, Applicants respectfully submit that these rejections should be withdrawn. Additionally, amendments have been made to claims 1 and 2 to conform language to typical U.S. prosecution practice. Applicants respectfully submit that none of these amendments narrow the scope of the claims.

### Prior Art Rejections

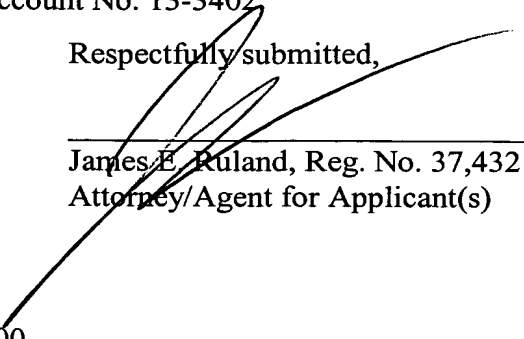
Claims 1 and 3 stand rejected as allegedly being anticipated by U.S. Patent No. 6,221,654 B1 (Quake) and claim 2 stands rejected under 35 U.S.C §103 as allegedly being unpatentable over Quake in view of WO 95/10040 A1 (Slater). Applicants respectfully traverse these rejections.

The Action alleges that Quake implies at column 12, lines 47 - 54 at least three transport electrodes. However, Applicants respectfully traverse this implication and respectfully submit that the Action has not established that Quake implies three transport electrodes. Rather Quake claims a pair of electrodes. See, e.g., claim 14. Furthermore, Slater does not cure the deficiencies of Quake. Thus, Applicants respectfully submit that the Action has not established that the claims are unpatentable, and consequently, Applicants respectfully submit that these rejections should be withdrawn.

In view of the above remarks, favorable reconsideration is courteously requested. If there are any remaining issues which can be expedited by a telephone conference, the Examiner is courteously invited to telephone counsel at the number indicated below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

  
\_\_\_\_\_  
James E. Puland, Reg. No. 37,432  
Attorney/Agent for Applicant(s)

MILLEN, WHITE, ZELANO  
& BRANIGAN, P.C.  
Arlington Courthouse Plaza 1, Suite 1400  
2200 Clarendon Boulevard  
Arlington, Virginia 22201  
Telephone: (703) 243-6333  
Facsimile: (703) 243-6410

Attorney Docket No.: MERCK-2336

Date: November 22, 2004

JER/jqs  
K:\Merck\2336\REPLY 11-17-04.doc